

### Remarks

Claims 1, 7, 9, 11 and 17-18 are amended herein. Claims 1-24 remain pending in the Application.

### Drawings

Applicant notes that the Drawings are acceptable, but that the handwritten captions should be typed.

### Specification

The Specification is objected to because of informality. The objection states the variables width and height, found in equation (8), are undefined.

However, Applicant respectfully points out that the paragraph preceding equation (8) describes all the variables utilized in equation (8). The paragraph clearly states that the variable width and height are related to the picture in question. That is, the ratio is obtained by comparing the histogram density (equation (7)) with the average histogram density of the picture ( $\text{width} \times \text{height} / 255$ ). That is, the picture's measurements are width and height.

### Claim Objections

In the Office Action, Claims 7 and 17 are objected to for informality. Applicant has corrected the informality of Claims 7 and 17. Therefore, the objection with respect to Claims 7 and 17 are overcome.

Claims 1, 11 and 18 are objected to for typographical errors. Applicant has corrected the typographical errors of Claims 1, 11 and 18. Therefore, the objection with respect to Claims 1, 11 and 18 are overcome.

Claim 9 is objected to for insufficient antecedent basis. Applicant has corrected the antecedent basis of Claim 9. Therefore, the objection with respect to Claim 9 is overcome.

Rejection under 102(b)

Claims 1-4, 6, 8-9, 11-14, 16-20 and 23-24

In the Office Action, the Examiner rejected Claims 1-4, 6, 8-9, 11-14, 16-20 and 23-24 under 35 USC 102(b) as being anticipated by Nakai et al. (5539523). Applicant has reviewed Nakai et al. and respectfully states that Nakai et al. do not anticipate the present invention for the following rationale.

Applicant respectfully states that Claims 1, 11 and 18 include the features “an original digital image having initial image quality issues”, and “producing an enhanced digital image”. One application of the present features includes digital photos produced by amateur users, the digital photos suffering from poor image quality such as under exposure, over exposure, poor lighting conditions, bad focus, or the like. The features of the Claimed invention are used to enhance the quality of the original digital image. That is, to produce an image that is different than the original.

Applicant respectfully disagrees that Nakai et al. anticipates the features of Claims 1, 11 and 18. Applicant understands Nakai et al. to teach a method for reproducing an image that is extremely similar to the original image. That is, Applicant understands Nakai et al. to teach copies having precise reproduction qualities for the human eye when compared to the original. Therefore, Applicant does not understand Nakai et al. to teach any enhancement of the original image but instead a method for best reproduction of the original image.

Therefore, Applicant respectfully submits that Nakai et al. does not anticipate the present claimed invention as recited in Claims 1, 11 and 18, and as

such, Claims 1, 11 and 18 are in condition for allowance. Accordingly, Applicant also respectfully submits that Nakai et al. does not anticipate the present claimed invention as recited in Claims 2-10 which are dependent on an allowable Independent Claim 1, Claims 12-17 which are dependent on an allowable Independent Claim 11 and Claims 19-24 which are dependent on an allowable Independent Claim 18, and that Claims 2-10, 12-17 and 19-24 recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 2-10, 12-17 and 19-24 are allowable as pending from allowable base Claims.

Rejection under 103(a)

Claims 5, 10, 15 and 21

In the Office Action, the Examiner rejected Claims 5, 10, 15 and 21 under 35 USC 103(a) as being unpatentable over Nakai et al. in view of Sakatani et al. (6587225). Applicant has reviewed the cited reference and respectfully submits that the present invention is not rendered obvious over Nakai et al. in view of Sakatani et al. for the following rationale.

With respect to Claims 5 and 10, Applicant respectfully points out that Claims 5 and 10 depend from the allowable Claim 1 and recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 5 and 10 are allowable as pending from an allowable base Claim.

With respect to Claim 15, Applicant respectfully points out that Claim 15 depends from the allowable Claim 11 and recites further features of the present claimed invention. Therefore, Applicant respectfully states that Claim 15 is allowable as pending from an allowable base Claim.

With respect to Claim 21, Applicant respectfully points out that Claim 21 depends from the allowable Claim 18 and recites further features of the present

claimed invention. Therefore, Applicant respectfully states that Claim 21 is allowable as pending from an allowable base Claim.

#### Claims 7 and 17

In the Office Action, the Examiner rejected Claims 7 and 17 under 35 USC 103(a) as being unpatentable over Nakai et al. in view of Sonka et al. ("Image Processing, Analysis And Machine Vision, 2<sup>nd</sup> Edition) and further in view of Materka et al. ("Texture Analysis Methods-A Review" University Of Lodz Technical Report 1998). Applicant has reviewed the cited reference and respectfully submits that the present invention is not rendered obvious over Nakai et al. in view of Sonka et al. and further in view of Materka et al. for the following rationale.

With respect to Claim 7, Applicant respectfully points out that Claim 7 depends from the allowable Claim 1 and recites further features of the present claimed invention. Therefore, Applicant respectfully states that Claim 7 is allowable as pending from an allowable base Claim.

With respect to Claim 17, Applicant respectfully points out that Claim 17 depends from the allowable Claim 11 and recites further features of the present claimed invention. Therefore, Applicant respectfully states that Claim 17 is allowable as pending from an allowable base Claim.

#### Claim 22

In the Office Action, the Examiner rejected Claim 22 under 35 USC 103(a) as being unpatentable over Nakai et al. in view of Sakatani et al. in further view of Sonka et al. and Materka et al. Applicant has reviewed the cited reference and respectfully submits that the present invention is not rendered obvious over Nakai et al. in view of Sakatani et al. in further view of Sonka et al. and Materka et al for the following rationale.

With respect to Claim 22, Applicant respectfully points out that Claim 22 depends from the allowable Claim 18 and recites further features of the present claimed invention. Therefore, Applicant respectfully states that Claim 22 is allowable as pending from an allowable base Claim.


Conclusion

In light of the above amendments and remarks, Applicant respectfully requests allowance of Claims 1-24.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,  
Wagner, Murabito & Hao LLP

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John P. Wagner, Jr.  
Reg. No. 35,398

Two North Market Street  
Third Floor  
San Jose, California 95113  
(408) 938-9060